

**To:** Suplee, Mike[msuplee@mt.gov]  
**From:** Laidlaw, Tina  
**Sent:** Tue 11/12/2013 5:56:35 PM  
**Subject:** FW: MLCT Comments on Nutrient Package  
[TMDLGuidance\[1\].pdf](#)

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**From:** McInnis, Amanda [mailto:Amanda.McInnis@hdrinc.com]  
**Sent:** Monday, November 11, 2013 9:08 AM  
**To:** Laidlaw, Tina  
**Subject:** FW: MLCT Comments on Nutrient Package

Sorry I forgot to copy you on this, Tina.

∇ It sounds like Mike was willing to modify the nutrient season on the Yellowstone to October 15<sup>th</sup>.

∇ The mixing zone issue was resolved with Mike's changes to the mixing zone rules

∇ I think we agreed that allowing seasonal averaging at lower TP concentrations would be discussed after the rule making.

∇ Mike agreed to add the clarification language about the variance loading essentially trumping the TMDL load allocation.

∇ I don't entirely understand his response on the TSD, but again, I think that's a post rule making issue.

∇ I think we agreed on taking out the downstream use language from the water quality modeling variance.

∇ I also think Mike agreed to add language about a discharger staying at a previous general variance level while working toward a site specific standard.

∇ So that just leaves the following---which we have talked about before...and we'll see where you and MDEQ land on it...

o We would like MDEQ to add language that the same as is included in NR217. "In some cases, a permittee may be able to demonstrate through water quality modeling that further reduction would not result in an environmentally significant improvement in water quality and material progress toward attainment of the water quality standards. In this case, the permittee will be entitled to stay at a previous general variance level."

**From:** McInnis, Amanda  
**Sent:** Thursday, November 07, 2013 1:13 PM  
**To:** Suplee, Mike ([msuplee@mt.gov](mailto:msuplee@mt.gov))  
**Cc:** [MumfordD@ci.billings.mt.us](mailto:MumfordD@ci.billings.mt.us); Craig Woolard; [shari@shariajohnsonengineering.com](mailto:shari@shariajohnsonengineering.com); 'John Wilson'  
**Subject:** MLCT Comments on Nutrient Package

## Circular DEQ12 Part A

### ∇ Section 2, Table 12A-1

- There have been many changes made to this table without explanation provided.
- For example, why was the Yellowstone River phosphorus and nitrogen both standard lowered? Was there a new document developed and reviewed that we are unaware of?
- What about the other changes in the table? Where is the documentation for those changes?
- Also, we would like MDEQ to consider modifying the nutrient season on the Yellowstone to more closely match the irrigation season, which ends October 15<sup>th</sup>.

### ∇ Section 2.2

We attached the guidance document that the State of Wisconsin put together around their new nutrient rules. This document has several detailed sections about how the permits will be developed based on the criteria. This is a far more complete document than what's currently in MDEQ12.

∇ They do allow full mixing with the River for reasonable potential calculations, without a diffuser. We would like written clarification on MDEQs policy on this issue.

∇ They use monthly averaging in limits if P concentrations are above 0.3 mg/L, but allow utilities seasonal averages below 0.3 mg/L. We would like MDEQ to consider a similar approach.

∇ There is a lot of detailed discussion (much of it revolving around the TMDL) about how the permit limits will be expressed. There is none of this kind of language in the current draft of MDEQ12. It's unclear how the loads/concentrations will be expressed. If these are expressed as concentrations it removes all incentives for reuse and trading programs. The package is silent on this issue and it's an important issue.

∇ It's clear in Wisconsin, that the TMDL wasteload allocation takes precedence of the "alternative effluent limit" in Wisconsin. MDEQ has said in its response to comments that the variance will take precedence over the TMDL wasteload allocation. It would be nice to have that stated more clearly in the document itself.

∇ Translation of the TSD for nutrients is much more complete in the Wisconsin guidance. They explain exactly what CV will be used, and have developed tables that are different than what's in the TSD. Again, we would like MDEQ to consider a similar approach.

∇ Data requirements are also spelled out in much more detail in the Wisconsin guidance.

∇ The Wisconsin guidance allows the possibility of not giving a point source discharger a nutrient limit if non-point sources are being controlled in a TMDL implementation plan. Again, we would like MDEQ to consider similar language here.

#### ∇ Section 3.2

○ We would like MDEQ to add language that the same as is included in NR217. “In some cases, a permittee may be able to demonstrate through water quality modeling that further reduction would not result in an environmentally significant improvement in water quality and material progress toward attainment of the water quality standards. In this case, the permittee will be entitled to stay at a previous general variance level.”

○ We would like MDEQ to remove the language about downstream beneficial use in this section. The permittee should be responsible to the next significant non-point source and should not be held accountable for non-point loadings.

#### Guidance Document

∇ Section 4.0 Please add language that indicates a permittee will be allowed to stay at its current general variance level while it is working on an individual standards variance.

#### **Amanda McInnis, PEHDR Engineering**

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